

REMARKS

*Amendments to the Claims*

Claims 1, 2, 5-48, 51, 52 and 54 were pending in the instant application as of the issuance of the present Office Action. According to the foregoing amendments, claims 1, 2, 5-48, 51, 52, and 54 have been cancelled without prejudice, and new claims 55-66 have been added. Accordingly, after the amendments presented herein have been entered, claims 55-66 will be pending in the application.

Support for the new claims presented herein can be found throughout the specification and in the claims as originally filed. Specifically, support for new claim 55 can be found throughout the specification, and in the claims as originally filed, for example, claims 1, 2, 5, 6, 24, 29 and 39. Furthermore, support for new claims 56-59 can be found throughout the specification and in claims 40, 41, and 48, as originally filed. Finally, support for new claims 62-66 can be found in claims 1, 2, 5, 6, 24 and 29, as originally filed. No new matter has been added by the introduction of the new claims.

The new claims have been introduced solely in the interest of expediting prosecution and allowance of the present application and the introduction thereof is not related to issues of patentability. Applicants reserve the right to pursue the claims as originally filed in this or separate application(s).

**RESTRICTION REQUIREMENT**

Claims 1, 2, 5-48, 51, 52 and 54 are subject to a restriction requirement. The Examiner has required restriction, under 35 U.S.C. § 121 and 372 and PCT Rule 13.1, between the following inventions in the above-identified application:

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| Group 1:  | Claim 1, drawn to a method of regulating the transcription of a gene.                              |
| Group 2:  | Claim 2, drawn to a method of regulating the transcription of a gene.                              |
| Group 3:  | Claims 5-7 and 20-23, drawn to a nucleic acid molecule.  |
| Group 4:  | Claims 8-12, 18 and 19, drawn to a method for altering or causing the transcription rate of genes. |
| Group 5:  | Claims 13-17, drawn to a method for altering or causing the transcription rate of genes.           |
| Group 6:  | Claims 24-28, drawn to a genetically modified microorganism.                                       |
| Group 7:  | Claims 29-37, drawn to a genetically modified microorganism.                                       |
| Group 8:  | Claims 38 and 48, drawn to a method of preparing biosynthetic products.                            |
| Group 9:  | Claims 39-43 and 48, drawn to a method for preparing lysine.                                       |
| Group 10: | Claims 45-48, drawn to a method for preparing threonine.   |
| Group 11: | Claims 51, 52 and 54 drawn to an expression unit.  |

Accordingly, Applicants hereby elect Group 9 (claims 39-43 and 48) drawn to a method for preparing lysine, ***without traverse***, for continued examination and prosecution on the merits. Applicants submit that new claims 55-66 are directed to methods for preparing lysine and, therefore, should be subject to examination pursuant to the present election.

Applicants' election of the foregoing subject matter is without prejudice to Applicants' rights to pursue non-elected subject matter in other applications. Furthermore, Applicants reserve the right to traverse the restriction between the non-elected groups in this or a separate application.

SUMMARY

Applicants respectfully submit that the above-identified application is in condition for allowance. If a telephone conversation with Applicants' attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 227-7400.

Applicants believe that no additional fee is due with this submission; however, if the Applicants are in error, the Commissioner is hereby authorized to charge any such deficiency to Deposit Account No. 12-0080, under Order No. PKI-186US, from which the undersigned is authorized to draw.

Dated: April 30, 2009

Respectfully submitted,

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